

**RESPONSE**

A substitute specification, inclusive of substitute title and abstract is submitted herewith which obviates the Examiner's objection.

Accordingly, reconsideration and withdrawal of the objections is respectfully requested.

**Claim Objections**

Claims 1-3 were objected to as being replete with grammatical errors.

**RESPONSE**

Claims 1-3 have been amended to correct their grammar. Accordingly, reconsideration and withdrawal of the objections is respectfully requested.

**Rejection under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph**

Claims 1-3 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph as indefinite.

**Response**

Claims 1-3 have been amended to correct their grammar and thereby obviate their indefiniteness. As amended the rejections are respectfully requested.

Applicant submits that any indefiniteness caused by the

originally filed literal translation has been obviated by the within amendments and that as herein amended claims 1-3 are in compliance with section 112.

Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

### **Rejections Under 35 U.S.C. § 102**

The Examiner rejected claims 1-3 as anticipated by the Wirth et al. '003 patent.

### **RESPONSE**

Claims 1-3 have been amended to clarify the invention and thereby differentiate the present invention over the cited prior art. As amended the rejections are respectfully traversed.

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

The present application, as claimed in claims 1-3 is directed to a scanner device for both strip film and slide mounts wherein

the scanner device has a common photographic sensor for both the strip film and slide mounts.

As claimed in independent claim 1, the scanner device includes a transport path for strip film having entrance and exit openings with a strip film transport path therebetween. A third opening for inserting/removing slide mounts is juxtaposed vertically over the strip film transport path. An actuator for an actuating mechanism is located proximate each of the entrance and exit openings.

In contrast, the cited Wirth et al. '003 patent discloses an opening for a slide mount is juxtaposed horizontally relative to a strip film transport path. Moreover, in the Wirth et al. patent actuators for an actuating mechanism for moving the strip film are located proximate only one of the entrance/exit openings. The Wirth et al. patent does not disclose an actuator disposed proximate the entrance opening and an actuator disposed proximate the exit opening as claimed in claim 1, as amended. Claim 1, as amended, is therefore asserted to be patentable over the cited prior art.

Claims 2-3, each ultimately dependent from claim 1, are asserted to be patentable over the Wirth et al. patent for at least the same reasons that claim 1 is patentable thereover.

Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

**CONCLUSION**

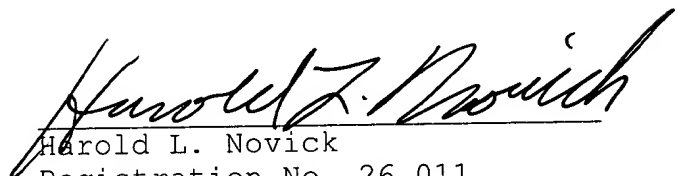
In light of the foregoing, Applicant submits that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

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**Attachment "A"**  
(Substitute Specification/Abstract/Title)